

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**DEREK WAYNE JACKSON,**

**Plaintiff**

**v.**

**COMMONWEALTH OF  
PENNSYLVANIA,**

**Defendants**

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**CIVIL NO. 1:CV-08-1297**

**(Judge Rambo)**

**MEMORANDUM & ORDER**

Plaintiff Derek Wayne Jackson, an inmate confined at the Waymart State Correctional Institution (“SCI Waymart”) in Waymart, Pennsylvania, commenced this *pro se* action by filing a civil rights complaint pursuant to 42 U.S.C. § 1983.

Jackson’s complaint (Doc. 1) did not comply with the Federal Rules of Civil Procedure, and therefore, by order dated September 2, 2008, he was given leave to file an amended complaint. (*See* Doc. 16.) The memorandum accompanying the order explained that the complaint was defective because Jackson failed to name a proper Defendant or state any facts whatsoever. (*See id.*)

On September 8, 2008, Jackson filed an amended complaint (Doc 17.) Even though the amended complaint also did not name proper Defendants or state any

facts, by order dated September 11, 2008, Jackson was given the opportunity to file a second amended complaint within twenty (20) days. (*See* Doc. 19.)

Although the deadline for filing a second amended complaint expired on October 1, 2008, Jackson has failed to file a second amended complaint. On September 17, 2008, Jackson filed a second motion for leave to proceed *in forma pauperis* (Doc. 21) in which he provided a list of individuals he would like to name as Defendants. On September 18, 2008, he again filed a list of individuals he would like to name as Defendants. However, neither of these filings constitute a second amended complaint. The September 11, 2008 memorandum warned that the second amended complaint must be complete in all respects and be a new pleading which stands by itself without reference to the complaints already filed. (*See* Doc. 19 at 2.) The September 11 order also warned Jackson that if he failed to file an amended complaint in accordance with the memorandum that this action would be dismissed. Because Jackson has failed to file a second amended complaint, this action will be dismissed.

**IT IS THEREFORE ORDERED THAT:**

1. Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 7) is  
**GRANTED.**

2. Plaintiff's second motion for leave to proceed *in forma pauperis* (Doc. 21) is **DENIED** as moot.

3. This action is **DISMISSED**, without prejudice.

4. The Clerk of Court shall close this case.

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s/Sylvia H. Rambo

United States District Judge

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Dated: October 8, 2008.